

SENATE BILL 403

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2004 Regular Session
4r0906
CF 4r1771

By: **Senator Klausmeier**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fishery Management - Shad**

3 FOR the purpose of repealing certain provisions relating to the angling of shad in
4 tidal waters of the State; designating shad as a hook and line fishery in tidal
5 waters; establishing certain restrictions on the permissible methods of angling
6 for shad; requiring the Department of Natural Resources to allow certain
7 harvests of shad if certain requirements are met; requiring the Department to
8 adopt certain regulations establishing certain limits and seasons for the
9 harvesting of shad under certain circumstances; making a certain stylistic
10 change; and generally relating to the management of the shad fishery by the
11 Department.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 4-215(h) and 4-737
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

17 BY adding to
18 Article - Natural Resources
19 Section 4-737.1
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 4-215.

26 (h) Notwithstanding any other provision of this title EXCEPT FOR § 4-737.1,
27 once a fishery management plan has been adopted by regulation, the State's fishery
28 resources shall be harvested in accordance with the conservation and management

1 measures in the fishery management plan and any regulations implementing or
2 amending that plan.

3 4-737.

4 (a) A person may catch [shad and] herring in the tidal waters of the State
5 from January 1 to June 5, inclusive.

6 (b) A person may not catch, offer for sale, or possess any [shad or] herring
7 freshly caught in the State between June 11 and December 31, inclusive. [However,
8 from June 6 to July 5, a person may catch or possess shad taken by means of hook and
9 line.]

10 (c) The season for catching [shad and] herring in the tidal waters shall be
11 shortened by [five] 5 days from the end of each season if Virginia shortens its season
12 for catching [shad and] herring by 10 days from the end of the season, or takes action
13 contingent upon action by this State shortening its season for [shad and] herring in
14 its tidal waters by 5 days or less from the end of the season.

15 4-737.1.

16 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
17 DEPARTMENT SHALL DESIGNATE SHAD, INCLUDING HICKORY SHAD AND AMERICAN
18 SHAD, AS A HOOK AND LINE FISHERY.

19 (2) AN INDIVIDUAL MAY NOT ANGLE FOR SHAD WITH MORE THAN TWO
20 SINGLE HOOKS FOR EACH ROD OR LINE.

21 (B) IF THE DEPARTMENT DETERMINES THAT THE POPULATION OF SHAD HAS
22 INCREASED SUFFICIENTLY TO PREVENT THE RECREATIONAL AND COMMERCIAL
23 HARVEST OF AMERICAN OR HICKORY SHAD FROM QUALIFYING EITHER SPECIES OF
24 SHAD AS A THREATENED OR ENDANGERED SPECIES UNDER SUBTITLE 2A OF THIS
25 TITLE, THE DEPARTMENT SHALL:

26 (1) ALLOW THE RECREATIONAL AND COMMERCIAL HARVEST OF SHAD;
27 AND

28 (2) ADOPT REGULATIONS ESTABLISHING SEASONS, SIZE LIMITS, TIMES,
29 AND CREEL LIMITS FOR ANY HARVEST OF SHAD PERMITTED UNDER PARAGRAPH (1)
30 OF THIS SUBSECTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That if the Department of
32 Natural Resources allows a harvest of shad under § 4-737.1 of the Natural Resources
33 Article, it is the intent of the General Assembly that the Department divide the quota
34 of shad as follows:

35 (1) 50% for commercial fishing; and

36 (2) 50% for recreational fishing.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2004.